

Agenda

Item #4



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: January 16, 2012

Re: Request for Waiver of Late-Filing Penalty/Lobbyist Susan P. Strommer, Esq.

During 2011, Susan P. Strommer, Esq. was a registered lobbyist for CEI Capital Management, LLC, and an employee of the organization. CEI Capital Management, LLC is a for-profit subsidiary of Coastal Enterprises, Inc.

Ms. Strommer was late filing the monthly lobbyist report for November 2011. When the report was not filed, the Commission staff sent a late-filing notice to CEI Capital Management, LLC, which forwarded the notice to her. She filed the report 14 days late on December 29, 2011. The report was the short form statement that she conducted no lobbying for the client during November 2011. Ms. Strommer had filed the short form monthly report for the months of August - November 2011.

The preliminary penalty for the late report is \$100. Ms. Strommer requests a waiver of the penalty by letter dated December 30, 2011. She explains that she terminated her employment at CEI Capital Management, LLC and it slipped her mind that lobbyist reports are still required to file reports even if no lobbying occurs.

Although the staff is sympathetic that a change in employment may result in loose ends that sometimes do not get tied, we recommend no waiver of the penalty. Under the Lobbyist Disclosure Law, once CEI Capital Management, LLC and Ms. Strommer met the threshold for lobbyist reporting, they were under a responsibility to remember that a report was due for the last month of the lobbying year. Thank you.

Susan P. Strommer, Esq.
26 Walnut Street No. C-8
Old Orchard Beach, ME 04064
spstrommer@gmail.com
207-653-9890

December 30, 2011

Re: Request for final penalty determination

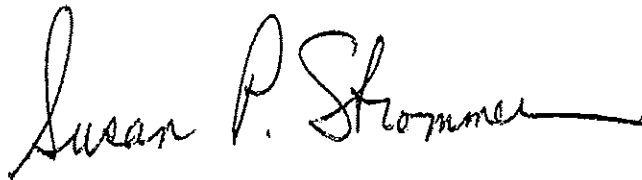
State of Maine
Commission on Governmental Ethics and Election Practices
via email

Dear Commissioners:

I apologize for failing timely to file my November monthly lobbyist disclosure report. I did not engage in lobbying activities in November. The reason I did not file a report for November is that I left my employment, and it slipped my mind that lobbying reports still are required even if no lobbying activity occurs. I realized my mistake when I received your letter yesterday – it was forwarded to me by my past employer and took ten days to reach me. I have never been late with a filing before this occasion.

I ask your indulgence to waive the late filing fee, and I pledge to file all future reports in a timely manner. Thank you in advance for your consideration of my request.

Very truly yours,

A handwritten signature in black ink that reads "Susan P. Strommer". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Susan P. Strommer



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

December 19, 2011

BY CERTIFIED MAIL AND REGULAR MAIL

Susan Strommer
CEI Capital Management LLC
2 Portland Fish Pier
Portland, Maine 04101

Re: CEI Capital Management LLC

Dear Ms. Strommer,

Our records show that your November monthly lobbyist disclosure report has not been filed to date for the above mentioned client. The monthly report, due on the 15th of every month – or the next business day if the 15th falls on a weekend or holiday, is required to be filed electronically by all lobbyists registered with the Commission by 11:59 p.m. The November report was due by 11:59 p.m. on December 15, 2011.

In addition, 3 M.R.S.A. §319(1) states that any person who fails to file a timely report may be assessed a penalty of \$50 for the first 24 hours a report is late and \$100 for every month the person is delinquent in filing the report after the first 24 hours; **thus, to date your penalty is \$100 for one late filing.** If you agree with this preliminary determination, you may use the attached billing statement to pay that penalty within 30 days of the date of this notice

However, if you have a valid reason for filing late, you may request a final penalty determination by the Commission. The Commission will notify you of the disposition of your case within 10 days after its determination.

To avoid further penalty, you should file the report as soon as possible. Pursuant to 3 M.R.S.A. § 319(1-A), any person who fails to file a report or pay a fee may be suspended from further lobbying by written notice of the Commission until such failure is corrected.

Please direct any questions you may have about this matter to me at (207) 287-6221.

Sincerely,

Cindy Sullivan
PAC, Party & Lobbyist Registrar

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

To: Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

From: Susan Strommer, Lobbyist for:
CEI Capital Management LLC

Re: Penalty for late filing of the November 2011 monthly lobbyist disclosure report for one client (\$100)

Amount Enclosed: \$ _____

Please Make Check or Money Order Payable to:
Treasurer, State of Maine

Check/M.O. No.: # _____

Or you can go to www.maine.gov/ethics > Penalty Payment and pay on-line with a credit card

3 MRSA §319. PENALTY

1. Failure to file registration or report. Any person who fails to file a registration or report as required by this chapter may be assessed a fine of \$100 for every month the person fails to register or is delinquent in filing a report pursuant to section 317. If a registration or report is filed late, the commission shall send a notice of the finding of violation and preliminary penalty. The notice must provide the lobbyist with an opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report required pursuant to section 317 within 24 hours after the deadline, the amount of the preliminary penalty is \$50. The commission may waive the fine or penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances or the fine or penalty is disproportionate to the level of experience of the lobbyist or the harm suffered by the public from the late registration or report. For purposes of this subsection, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the fine or penalty in whole or in part;
- B. An error by the commission; or
- C. Circumstances determined by the commission to warrant the waiver of the fine or penalty in whole or in part, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with this chapter, including, but not limited to, unexplained delays in Internet service.

1-A. Notice of suspension. Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the commission until such failure is corrected.

2. [repealed]

3. Exemption. Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the commission pursuant to section 317 if no lobbying has been performed during that special session.